

GROUND WATER DISCHARGE PERMIT RENEWAL
Wagon Wheel Mobile Home Park, DP-175

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-175, to Wagon Wheel County Court, LLC (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Wagon Wheel Mobile Home Park (facility) into ground and surface water, so as to protect and preserve ground and surface waters for present and future uses and to protect human health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 15,300 gallons per day (gpd) of domestic wastewater is discharged to three synthetically-lined impoundments for disposal by evaporation.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC.

The facility is located at 25 Road 5387, approximately 5 miles southwest of Bloomfield, in Section 26, Township 29N, Range 12W, San Juan County. Groundwater most likely to be affected is at a depth of approximately 22 feet and has a total dissolved solids concentration of approximately 1,780 milligrams per liter.

The original Discharge Permit was issued on October 2, 1981 and subsequently renewed and modified on April 22, 1987 and February 17, 1997, and renewed on April 29, 2008. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated October 19, 2012 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent

requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA; WQCC Regulations; other applicable federal, state, and/or local laws; and regulations such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations are used in this Discharge Permit.

Abbreviation	Explanation		Abbreviation	Explanation
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
Cl	chloride		NO ₃ -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
mg/L	milligrams per liter		total nitrogen	= TKN + NO ₃ -N
NMAC	New Mexico Administrative Code		WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department		WQCC	Water Quality Control Commission

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 15,300 gpd of domestic wastewater to three synthetically-lined impoundments, in series, for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
3.	The permittee shall maintain fences around the facility to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
4.	The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
5.	The permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the structural integrity of the impoundments and/or impoundment liners. Such conditions include or may be characterized by the following: <ul style="list-style-type: none"> • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs, or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the

#	Terms and Conditions
	<p>impoundment itself;</p> <ul style="list-style-type: none"> the presence of large debris or large quantities of debris in the impoundment; evidence of seepage; or evidence of berm subsidence. <p>Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liners. In the event that the permittee determines that two feet of freeboard cannot be preserved in an impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
8.	<p>The permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>METHODOLOGY – Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents.</p> <p>a) American Public Health Association, <i>Standard Methods for the Examination of Water</i></p>

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	<p><i>and Wastewater</i></p> <p>b) U.S. Environmental Protection Agency, <i>Methods for Chemical Analysis of Water and Waste</i></p> <p>c) U.S. Geological Survey, <i>Techniques for Water Resources Investigations of the U.S. Geological Survey</i></p> <p>d) American Society for Testing and Materials, <i>Annual Book of ASTM Standards, Part 31. Water</i></p> <p>e) U.S. Geological Survey, et al., <i>National Handbook of Recommended Methods for Water Data Acquisition</i></p> <p>f) <i>Federal Register</i>, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations</p> <p>g) <i>Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods</i>, American Society of Agronomy</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
10.	<p>The permittee shall submit quarterly monitoring reports to NMED.</p> <p>Quarterly monitoring shall be performed during the following periods and submitted as follows.</p> <ul style="list-style-type: none"> • January 1st through March 31st (first quarter) – due by May 1st; • April 1st through June 30th (second quarter) – due by August 1st; • July 1st through September 30th (third quarter) – due by November 1st; and • October 1st through December 31st (fourth quarter) – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Ground Water Monitoring Conditions

#	Terms and Conditions
11.	<p>The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for dissolved total Kjeldahl nitrogen (TKN), nitrate-nitrogen (NO₃-N), total dissolved solids (TDS), and chloride (Cl).</p> <p>a) MW-1A, intended to be located hydrologically downgradient of Impoundments #1 and #2.</p> <p>b) MW-2A, intended to be located hydrologically downgradient of Impoundment #3.</p> <p>Groundwater sample collection, preservation, transportation, and analysis shall be performed according to the following procedure.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.</p>

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	<p>b) Purge three well volumes of water from the well prior to sample collection.</p> <p>c) Obtain samples from the well for analysis.</p> <p>d) Properly prepare, preserve, and transport samples.</p> <p>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>Depth-to-most-shallow groundwater measurements, analytical results including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
12.	<p>The permittee shall estimate the monthly volume of wastewater discharged to the facility by recording supply water meter readings for all dwellings serviced by the facility on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly discharge volume* (based upon meter readings) shall be used to calculate the average daily discharge volume by the formula below.</p> $\frac{\text{estimated monthly discharge volume}}{\text{number of days per month}} = \text{average daily discharge volume}$ <p>Each month, the permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling, or leaks) that do not contribute to the volume of wastewater discharged.</p> <p>The monthly meter readings, estimated monthly and average daily discharge volumes, and notes and estimated volume of significant uses for the system shall be submitted to NMED in the quarterly monitoring reports.</p> <p>* The permittee shall calculate the estimated monthly discharge volume for the facility by adding the estimated monthly discharge volume for each meter. This summation should be completed prior to calculating the average daily discharge volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
13.	<p>The permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from a representative location within Impoundment #3. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample shall be analyzed for the following:</p> <ul style="list-style-type: none"> • TKN;

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	<ul style="list-style-type: none"> • NO₃-N; • TDS; and • Cl. <p>Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the monitoring reports due by February 1st and August 1st of each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

C. REQUIRED ACTIONS***Impoundment Relining Conditions***

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14.	<p>Within 60 days of the effective date of this Discharge Permit (by DATE), the permittee shall commence the following measures for relining Impoundment #1.</p> <ol style="list-style-type: none"> Cease discharging to the impoundment. Temporarily plug all lines leading to and from the impoundment. Drain wastewater from the impoundment and dispose of it in accordance with all local, state, and federal regulations. <p>Within <u>90 days</u> of ceasing discharging to the impoundment, the permittee shall submit a sludge/vegetation removal and disposal plan to NMED for approval. The sludge/vegetation removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge/vegetation to be removed and disposed, including measurements and calculations. The method(s) of sludge/vegetation <i>removal</i> from the impoundment. The method(s) of <i>disposal</i> for all of the sludge/vegetation (and its contents) removed from the impoundment. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> Should the proposal involve a plan for land application of the sludge, Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). A schedule for completion of sludge/vegetation removal and disposal not to exceed one year from the effective date of this Discharge Permit (by DATE). <p>The permittee shall initiate implementation of the plan within 30 days following approval</p>

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	<p>by NMED.</p> <p>Following completion of the sludge/vegetation removal and disposal and within 1.5 years of the effective date of this Discharge Permit (by DATE), the permittee shall complete the relining of Impoundment #1 and return the impoundment to service in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>
15.	<p>Within 1.5 years of the effective date of this Discharge Permit (by DATE), the permittee shall commence the following measures for relining Impoundment #2.</p> <ol style="list-style-type: none"> Cease discharging to the impoundment. Temporarily plug all lines leading to and from the impoundment. Drain wastewater from the impoundment and dispose of it in accordance with all local, state, and federal regulations. <p>Within <u>90 days</u> of ceasing discharging to the impoundment, the permittee shall submit a sludge/vegetation removal and disposal plan to NMED for approval. The sludge/vegetation removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge/vegetation to be removed and disposed, including measurements and calculations. The method(s) of sludge/vegetation <i>removal</i> from the impoundment. The method(s) of <i>disposal</i> for all of the sludge/vegetation (and its contents) removed from the impoundment. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> Should the proposal involve a plan for land application of the sludge, Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). A schedule for completion of sludge/vegetation removal and disposal not to exceed 2.5 years from the effective date of this Discharge Permit (by DATE). <p>The permittee shall initiate implementation of the plan within 30 days following approval by NMED.</p> <p>Following completion of the sludge/vegetation removal and disposal and within 3 years of the effective date of this Discharge Permit (by DATE), the permittee shall complete the relining of Impoundment #2 and return the impoundment to service in accordance with the requirements of this Discharge Permit.</p>

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	[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]
16.	<p>Within 3 years of the effective date of this Discharge Permit (by DATE), the permittee shall commence the following measures for relining Impoundment #3.</p> <ol style="list-style-type: none"> Cease discharging to the impoundment. Temporarily plug all lines leading to and from the impoundment. Drain wastewater from the impoundment and dispose of it in accordance with all local, state, and federal regulations. <p>Within <u>90 days</u> of ceasing discharging to the impoundment, the permittee shall submit a sludge/vegetation removal and disposal plan to NMED for approval. The sludge/vegetation removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge/vegetation to be removed and disposed, including measurements and calculations. The method(s) of sludge/vegetation <i>removal</i> from the impoundment. The method(s) of <i>disposal</i> for all of the sludge/vegetation (and its contents) removed from the impoundment. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> Should the proposal involve a plan for land application of the sludge, Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). A schedule for completion of sludge/vegetation removal and disposal not to exceed 4 years from the effective date of this Discharge Permit (by DATE). <p>The permittee shall initiate implementation of the plan within 30 days following approval by NMED.</p> <p>Following completion of the sludge/vegetation removal and disposal and within 4.5 years of the effective date of this Discharge Permit (by DATE), the permittee shall complete the relining of Impoundment #3 and return the impoundment to service in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

D. CONTINGENCY PLAN

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17.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section 20.6.2.7 NMAC is present, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a corrective action plan that proposes, at a minimum, source control measures and an implementation schedule. The plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.</p> <p>If the groundwater standard continues to be violated or the toxic pollutant continues to be present 180 days after the confirmation of groundwater contamination, the permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
18.	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment, and documentation of the abandonment procedures shall be completed in accordance with the</p>

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	<p>attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
19.	<p>In the event that inspection findings reveal significant damage likely to affect the structural integrity of the lined impoundment(s) or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in the impoundment(s), the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include removing excess wastewater from the impoundment(s) through pumping and hauling, or reducing the volume of wastewater discharged to the impoundment(s). The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term corrective action plan submitted to NMED within 90 days following failure of the short-term corrective action plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment(s). The plan shall include a schedule for completion of corrective actions and implementation of the plan shall be initiated following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in</p>

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	<p>Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. The name and address of the facility. The date, time, location, and duration of the unauthorized discharge. The source and cause of unauthorized discharge. A description of the unauthorized discharge, including its estimated chemical composition. The estimated volume of the unauthorized discharge. Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ol style="list-style-type: none"> A description of proposed actions to mitigate damage from the unauthorized discharge. A description of proposed actions to prevent future unauthorized discharges of this nature. A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
22.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

E. CLOSURE PLAN***Permanent Facility Closure Conditions***

#	Terms and Conditions
23.	<p>In the event the facility is proposed to be permanently closed, upon ceasing discharging, the permittee shall perform the following closure measures.</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundments, the line leading to the impoundments shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing discharging to the impoundments, wastewater shall be evaporated or drained from the impoundments and disposed of in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing discharging to the impoundments, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none"> The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. The method(s) of sludge <i>removal</i> from the impoundments. The method(s) of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundments. The method(s) shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> Should the proposal involve a plan for land application of the sludge, Analytical results for samples of the sludge taken from the impoundment for TKN, NO₃-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> Remove all lines leading to and from the impoundments, or permanently plug and abandon them in place.

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	<p>b) Perforate or remove the impoundment liners.</p> <p>c) Fill the impoundments with suitable fill.</p> <p>d) Re-grade the impoundment sites to blend with surface topography, promote positive drainage, and prevent ponding.</p> <p>The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.</p> <p>If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in Section of 20.6.2.7 NMAC is present in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring wells in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

F. GENERAL TERMS AND CONDITIONS

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24.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit;

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	<ul style="list-style-type: none"> • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including the following: <ul style="list-style-type: none"> ○ the dates, location, and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate, or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection, or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
25.	<p>INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p>

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	[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
26.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
27.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
28.	<p>PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1st and June 30th of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
29.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p>

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	[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
30.	<p>CRIMINAL PENALTIES - No person shall do the following:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
31.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
32.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
33.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall do the following:</p>

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	<ul style="list-style-type: none"> • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
34.	<p>PERMIT FEES - Payment of permit fees are due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

MICHELLE HUNTER
 Chief, Ground Water Quality Bureau
 New Mexico Environment Department